

Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 9/1/2020 3:28:41 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Ex. 5 AC/DP

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Assistant General Counsel
Water Law Office
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Washington DC 20004
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From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Tuesday, September 01, 2020 11:12 AM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: RE: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Thank you Steve.

Ex. 5 AC/DP

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From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Tuesday, September 1, 2020 11:01 AM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>
Cc: Palmer, Leif <Palmer.Leif@epa.gov>
Subject: FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

I just got a call from Jim Payne who suggested this topic for this month next Wednesday's ORC call at 4. Would folks be available to discuss it (I don't think we need our whole group but everyone would certainly be welcome). I imagine we could start with this topic and right now there's no other topic, but this wouldn't seem to need more than 15-20 mins. I will forward the invite to the three of you and then we can decide. thanks.

Steve Neugeboren
Associate General Counsel for Water

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1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Palmer, Leif <Palmer.Leif@epa.gov>
Sent: Tuesday, September 1, 2020 8:40 AM
To: Payne, James <payne.james@epa.gov>
Cc: Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Nelson, Leverett <nelson.leverett@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>
Subject: FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Hi Jim – I sent the attached to the RC's last week. I'd like to put this on the agenda for a monthly OGC/RC call in the next month or so and have Simma and perhaps Tod give an overview of the ESA memo for the RCs. Since this was issued I've had two state General Counsels ask about the assumption process and I think other RCs may also receive inquiries about it. I don't believe there is a particular urgency and thus can wait until after the end of the FY.

From: Palmer, Leif
Sent: Friday, August 28, 2020 9:02 AM
To: Regional Counsels and Deputies <Regional.Counsels.and.Deputies@epa.gov>
Subject: FW: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Hello everyone – Please see the attached transmittal and memorandum from David Ross concluding that Region 4 should initiate ESA consultation as part of Florida's request to assume the CWA 404 program. If you have any questions about this or the process, please let me know.

From: Aguirre, Janita <Aguirre.Janita@epa.gov> **On Behalf Of** Ross, David P
Sent: Thursday, August 27, 2020 4:23 PM
To: Walker, Mary <walker.mary@epa.gov>
Cc: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Santell, Stephanie <Santell.Stephanie@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>
Subject: Transmittal of the Memorandum on ESA Section 7(a)(2) Consultation for State and Tribal for CWA Section 404 Program Approvals

Mary,

Please see the attached transmittal letter and memorandum on consultation requirements under the Endangered Species Act for state and tribal Clean Water Act Section 404 program approvals. Because we have determined that EPA's potential approval of the State of Florida's August 20, 2020 request to assume administration of the CWA Section 404 program may affect ESA-listed species or designated critical habitat, please initiate ESA Section 7 formal consultation with our federal partners as part of your review of Florida's application.

Regards,
Dave

David P. Ross
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